IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION LOD.NO.2407 OF 2004

Amod Shah Prop. Nikita Constructions..Petitioenrs

Versus

The Municipal Corporation of
Greater Mumbai & Ors. ..Respondents

Mr. G.V.Murti for the Petitioners.
Ms. A.R. Joshi, for respondents.

CORAM: F.I. REBELLO, J.
DATE : 10th September,2004

P.C.:

1. Rule. By consent heard forthwith. The grievance of the petitioner is that they had filed reply on 3rd April, 2003 to the notice dated 19th March, 2003. Without considering hearing the petitioners the demand came to be made on the petitioners by letter dated 290th January, 2004. They have also filed a reply to by letter dated 30th January, 2004. Without considering the same, the warrant of attachment was issued.

. Once the petitioners had filed their reply to the show cause notice it was but mandatory on the part of the respondents to consider the said application and pass appropriate orders according to law. That has not been done. Therefore, it would be appropriate for the respondents to consider the reply filed by the petitioners dated 3rd April, 2003 as also the additional reply dated 30th January, 2004 and thereafter pass appropriate orders according to law.

2. In the light of that the following order:-

(i) The petitioners are directed to appear before the Assistant Assessor and Collector on 28th September, 2004 at 11.00 a.m. and file copies of the complaint and other replies filed by him. The Assistant Assessor and Collector after considering the said complaint and replies and if required, to give oral hearing to the petitioners and pass appropriate orders.

(ii) In the light of that Rule made absolute in terms of prayer clause (a) with direction as aforestated. No order as to costs.

Authenticated copy be supplied to the parties.

(F.I.REBELLO, J.)